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The Interaction between International Private Law and Space Law and its Impact on Commercial Space
Activities (2)

Author: Mr. Phetole Sekhula
South Africa, advppsekhula@gmail.com

THE LEGAL AND POLICY CONSIDERATIONS IN IMPLEMENTING THE SPACE ASSETS
PROTOCOL: LESSONS FROM THE AIRCRAFT EQUIPMENT PROTOCOL IN SOUTH AFRICA

Abstract

South Africa must, as a moral imperative, adopt the Draft Protocol To The Convention On International Interests In Mobile Equipment On Matters Specific To Space Assets. However, in complying with this imperative, South Africa must lean heavily on the legal experiences gained when implementing the Aircraft Equipment Protocol.

The main considerations relates to domestic law that may be inconsistent with the provisions of the Space Assets Protocol on one hand, and the lack of the realisation of the perceived benefits implied in the adoption of these Protocols from a developing country's perspective on the other.

Presently, the legal trajectory the country has embarked on is to push for an addition in the text of the Draft Protocol for clauses relating to the identification and quantifying such debtor's rights and entitlements consequent on accession. Secondly, a thorough analysis and review of domestic legislation that would be inconsistent with Space Asset Protocol will be undertaken with a view of amending such for conformity. Lastly, the ratification process entails convincing arguments in regard to clearly enumerated benefits in contrast to the manner in which the Aircraft Equipment was ratified.